

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	0

### MR. SPEAKER:

*Your Committee on Environmental Affairs, to which was referred House Bill 1033, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning the
- 3 environment.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 13-11-2-46 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 46. "Council", for
- 7 purposes of ~~IC 13-21-2~~, **IC 13-13-7**, refers to the ~~solid waste planning~~
- 8 ~~advisory council~~; **environmental quality service council established**
- 9 **by IC 13-13-7-1, unless the specific reference is to the legislative**
- 10 **council.**
- 11 SECTION 2. IC 13-13-7 IS ADDED TO THE INDIANA CODE
- 12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2005]:
- 14 **Chapter 7. Environmental Quality Service Council**
- 15 **Sec. 1. The environmental quality service council is established.**

1       **Sec. 2. The council consists of seventeen (17) voting members**  
 2       **and one (1) nonvoting member as follows:**

3       **(1) Four (4) members of the senate, not more than two (2) of**  
 4       **whom may be affiliated with the same political party, to be**  
 5       **appointed by the president pro tempore of the senate.**

6       **(2) Four (4) members of the house of representatives, not**  
 7       **more than two (2) of whom may be affiliated with the same**  
 8       **political party, to be appointed by the speaker of the house of**  
 9       **representatives.**

10      **(3) The:**

11          **(A) commissioner of the department; or**

12          **(B) commissioner's designee;**

13      **who serves as a nonvoting member.**

14      **(4) Nine (9) individuals who are not members of the general**  
 15      **assembly and who are appointed by the governor as follows:**

16          **(A) Two (2) individuals representing business and industry,**  
 17          **not more than one (1) of whom may be affiliated with the**  
 18          **same political party.**

19          **(B) Two (2) individuals representing local government, one**  
 20          **(1) of whom may be a solid waste management district**  
 21          **director and not more than one (1) of whom may be**  
 22          **affiliated with the same political party.**

23          **(C) Two (2) individuals representing environmental**  
 24          **interests, one (1) of whom may be a solid waste**  
 25          **management district director and not more than one (1) of**  
 26          **whom may be affiliated with the same political party.**

27          **(D) One (1) individual representing the general public.**

28          **(E) Two (2) individuals representing the following**  
 29          **interests:**

30              **(i) One (1) representative of semipublic permittees.**

31              **(ii) One (1) representative of agriculture.**

32      **Sec. 3. An appointment under section 2 of this chapter is valid**  
 33      **for two (2) years after the date of the appointment. However, a**  
 34      **member shall serve until a new appointment is made.**

35      **Sec. 4. (a) If a vacancy occurs among the members of the**  
 36      **council, the appointing authority of the member whose position is**  
 37      **vacant shall fill the vacancy by appointment.**

38      **(b) If the appointing authority does not fill a vacancy within**

sixty (60) days after the date the vacancy occurs, the vacancy shall be filled by appointment by the chairman of the legislative council.

**Sec. 5. The chairman of the legislative council shall designate a legislative member of the council to be the chair of the council.**

**Sec. 6. The chair of the council shall call for the council to meet at least one (1) time during a calendar year. The chair may designate committees of the council to meet between council meetings and report back to the full council.**

**Sec. 7. The council shall do the following:**

**(1) Study issues designated by the legislative council.**

**(2) Advise the commissioner on policy issues decided on by the council.**

**(3) Review the mission and goals of the department and evaluate the implementation of the mission.**

**(4) Serve as a council of the general assembly to evaluate:**

**(A) resources and structural capabilities of the department to meet the department's priorities; and**

**(B) program requirements and resource requirements for the department.**

**(5) Serve as a forum for citizens, the regulated community, and legislators to discuss broad policy directions.**

**(6) Do the following concerning energy matters:**

**(A) Investigate methods to increase research, development, production, and use of alternative fuels, including:**

**(i) biofuels such as biodiesel, ethanol, and other agricultural based alternatives to petroleum based fuels;**

**(ii) clean coal technology;**

**(iii) wind and solar power; and**

**(iv) other sources of renewable energy.**

**(B) Give priority consideration to review of energy projects and policies that will provide maximum economic and environmental benefits to Indiana.**

**(C) Submit recommendations to:**

**(i) the legislative council;**

**(ii) the commissioner of agriculture;**

**(iii) the department of commerce; and**

**(iv) legislative committees that have subject matter jurisdiction over energy matters.**

1           **The recommendations to the legislative council must be in**  
 2           **an electronic format under IC 5-14-6.**

3           **(7) Submit an annual report to the legislative council, in an**  
 4           **electronic format under IC 5-14-6, that contains at least the**  
 5           **following:**

6           **(A) An outline of activities of the council.**

7           **(B) Recommendations for department action.**

8           **(C) Recommendations for legislative action.**

9           **Sec. 8. The commissioner shall report to the council each month**  
 10          **concerning the following:**

11          **(1) Permitting programs and technical assistance.**

12          **(2) Proposed rules and rulemaking in progress.**

13          **(3) The financial status of the department.**

14          **(4) Additional matters requested by the council.**

15          **Sec. 9. The legislative services agency shall provide staff support**  
 16          **to the council and panel.**

17          **Sec. 10. The council shall operate under the rules of the**  
 18          **legislative council.**

19          SECTION 3. IC 13-21-1-3 IS AMENDED TO READ AS  
 20          FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Revisions of the  
 21          state plan must be

22          ~~(1) developed with the advice of the solid waste planning advisory~~  
 23          ~~council established by IC 13-21-2-1; and~~

24          ~~(2) implemented using the procedures set forth in section 1 of this~~  
 25          ~~chapter.~~

26          SECTION 4. P.L.248-2001, SECTION 4, IS REPEALED  
 27          [EFFECTIVE JULY 1, 2005].

28          SECTION 5. [EFFECTIVE JULY 1, 2005] (a) Until an  
 29          appointment is made under IC 13-13-7-2(4)(A) through  
 30          IC 13-13-7-2(4)(E), all as added by this act, a vacant position on the  
 31          environmental quality service council shall be held by the  
 32          corresponding member of the environmental quality service council  
 33          serving on January 1, 2005, who was appointed under  
 34          P.L.248-2001, SECTION 4(d)(4) to represent the same interest as  
 35          must be represented by the person appointed to the vacant  
 36          position.

37          (b) The appointing authorities under IC 13-13-7-2, as added by  
 38          this act, shall make the appointments required by IC 13-13-7-2

- 1       **before August 1, 2005.**
- 2       **(c) This SECTION expires December 31, 2005.**  
      (Reference is to HB 1033 as introduced.)

**and when so amended that said bill do pass.**

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Representative Wolkins